

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KRISTINA GARCIA,

Plaintiff,

v.

BEAUMONT HEALTH and  
RACHEL LUCA,

Defendants.

Case No: 19-11673

District Judge Linda V. Parker

Magistrate Judge David R. Grand

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**DEFENDANT BEAUMONT HEALTH'S MOTION FOR LEAVE TO  
FILE RESPONSE TO PLAINTIFF'S SUPPLEMENTAL AUTHORITY IN  
OPPOSITION TO DEFENDANT BEAUMONT'S MOTION FOR  
SUMMARY JUDGMENT**

Plaintiff recently was granted leave to submit to the Court the case *Threat v. City of Cleveland*, \_\_ F.4th \_\_, 2021 WL 3140525 (6<sup>th</sup> Circuit 2021) as “supplemental authority” in opposition to Beaumont’s pending Motion for Summary Judgment. (ECF No. 81, PageID 1487-1492.) Garcia claims that *Threat* supports her position that a material fact question exists on the question of whether Garcia incurred a materially adverse employment action when she voluntarily resigned her Charge Therapist duties three months after her alleged harasser (Luca) had been terminated. (ECF No. 81, PageID 1476.)

Beaumont seeks leave to file a no more than three-page response to Garcia’s purported supplemental authority. If the Court is going to consider *Threat v. City of Cleveland*, Beaumont should have an opportunity to explain why it has no bearing on undisputed facts in this case.

Wherefore, Beaumont seeks leave to submit a brief response (not to exceed three pages) to Plaintiff’s supplemental authority.

Respectfully submitted,  
KIENBAUM HARDY VIVIANO  
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Dated: August 6, 2021

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**DEFENDANT BEAUMONT HEALTH'S BRIEF IN SUPPORT OF  
ITS MOTION FOR LEAVE TO FILE RESPONSE TO PLAINTIFF'S  
SUPPLEMENTAL AUTHORITY IN OPPOSITION TO DEFENDANT  
BEAUMONT'S MOTION FOR SUMMARY JUDGMENT**

Beaumont relies on the facts stated in its contemporaneously filed motion in support of its request for leave to file a brief response to Garcia's supplemental authority.

Wherefore, Beaumont seeks leave to submit a brief response (not to exceed three pages) to Plaintiff's supplemental authority.

Respectfully submitted,

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Dated: August 6, 2021

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2021, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to upon all ECF participants on record.

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